

Deficiency Status Report 3

Submitted: **Enter Date**

CUPA: San Benito County

Date of Evaluation: May 18 and May 19, 2006

Next Status Report Due: June 20, 2007

Evaluation Team:

Cal/EPA Team Leader: Robbie Morris and John Paine

DTSC Evaluator: Mark Pear

OES Evaluator: Fred Mehr

SWRCB Evaluator: Sean Farrow

Based on the corrective action responses, the following deficiencies are considered corrected and no further updates are required: 3, 5, 6, 7, 9, 10

Deficiencies and Corrective Actions

The following deficiencies are still in progress and an update of the progress towards correction should be provided below.

Deficiency # 1 and # 2: The CUPA has not met the mandated inspection frequencies for those regulated businesses for an inspection once every year (UGT) and every three years (other program elements).

Preliminary Corrective Action: Will be to increase the number of inspections to meet all required inspection frequencies. By September 1, 2006, the CUPA will identify how they will meet the required number of inspections for future fiscal years.

CUPA 1st Corrective Action Update: The 2005-2006 fiscal year had a total number of business plan facilities at 236. The goal is to conduct 90 inspections each year to maintain an acceptable inspection program.

This year (2005-2006) I inspected 85 program elements. The number of business plan inspections conducted by the CUPA totaled 31; all five UGT facilities were inspected in the County by the CUPA for a total of 10 underground tank system inspections; 43 hazardous waste generators were inspected by the CUPA and the CUPA conducted one inspection of a CalARP site. The PA is required to perform inspections for 71 HMBP sites and 18 UGT facilities with 53 UGT inspections; that is, 76 inspections per year. In 2005-2006 the PA performed 19 business plan inspections and one UGT inspection with 3 tanks for a total of 21 inspections for the 2005-2006.

The inventory for 2006-2007 has increased and the PA has opted out of the program thereby increasing the minimum number of inspections to 179. To this end, I have requested 1583 hours for the 2006-2007 fiscal year to meet the minimum requirements *(inserted as Time Justify 2006)*

CUPA's 2nd Corrective Action Update:

The time I am able to perform CUPA duties remains at approximately 32 percent, 37 percent other environmental health programs, 16 percent travel time and 14 percent out of the office.

As of today for the fiscal 2006-2007 year ending June 30, 2007, I have inspected 74 program components. That is, forty-four (44) Hazardous Materials Business Plans; eight (8) Hazardous Waste Generators and twenty (22) Underground Tanks. *(My log sheet of CUPA Inspections is inserted as CUPA Inspections 2000 to Present)*

Cal/EPA's 2nd Response: Due to the workload increase, the CUPA should develop a plan for meeting inspection frequencies in all program elements. On the next status report, submit the CUPA's plan for meeting the scheduled inspection frequencies for each program element. Also report the total number of routine inspections performed in FY 06/07 for each program element.

CUPA's 3rd Corrective Action Update: [Enter Update Here](#)

The CUPA will give it the old college try and schedule 20 CUPA inspections each month and endeavor to obtain 100 percent inspection frequency over the last three year period. To do this, the CUPA must increase time allotment to approximately 60 percent on site field inspection time.

To meet the three year cycle for inspection frequency the CUPA shall conduct;

- 1) 56 Underground Tank Inspections
- 2) 134 HMBP Inspections.
- 3) 34 Generator Inspections.
- 4) 3 CalARP inspection audits.
- 5) 2 Tiered Permitting Site Inspections.

The total number of required inspections is 229 for the fiscal 2007-2008 year.

Once the three year cycle has achieved 100 percent inspection frequency, we will develop a more evenly spaced inspection schedule. Currently this requires 56 annual UGT inspections and 107 other inventory inspections each year for a total of 163 or 14 inspections per month.

Currently for the 2006-2007 fiscal year only 26 percent of my time has been allotted by San Benito County to perform duties associated with the overall CUPA program

including development of the County Area Plan. The total required inspections to be conducted each year are 162, this year currently 108 have been completed. No more inspections have been scheduled before June 30, 2007.

The projected total for the 2006-2007 fiscal year will be 108/162 or 67 percent completion.

Underground Tank Inspection Program

To date, 54/56 underground tank systems have been inspected for the 2006-2007 fiscal year. Thirty-two underground tank systems have been inspected since the last update. The remaining two systems could not be inspected due to a schedule clash however they were certified by their contractor.

Business Plan Inspection Program

To date 46/231 HMBP facilities have been inspected for the 2006-2007 fiscal year. Over the last two years we will have completed 97/231 HMBP inspections.

Generator Inspections

To date 8/84 Generator facilities have been inspected. No inspections have been conducted since the last update; none are scheduled before June 30, 2007.

Over the last two years we will have completed 50/84 generator inspections.

The RMP and Tiered Permitting Programs

0/4 RMP's have been inspected and 0/2 Tiered Permitted facilities have been inspected for the 2006-2007 fiscal year.

Over the last two years we will have completed 1 / 4 RMP sites and 0 / 2 Tiered Permitting Facilities

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In addition to the inspection program, the CUPA spent at least half of the allotted time writing the County Area Plan.

Risk Management Plans are required to be updated for all four facilities which will require additional time.

In addition to inspection, the CUPA will work to review and approve 4 CalARP Risk management Plans and to finalize the County Area Plan.

Deficiency # 3: The CUPA is not ensuring that all UST facilities have a current operating permit. Files reviewed indicate several facilities has expired permits.

Preliminary Corrective Action: Effective immediately, the CUPA will identify businesses with an expired permit and bring them into compliance in accordance with their permit procedures.

CUPA's 1st Corrective Action Update: On May 22, 2006 an enforcement letter was written to Hollister City Gas, Hollister Disposal, AWA Chevron, Safeway (attachment # 2) and Hollister Public Works giving them a notice of a significant violation and 7 days to obtain a permit. All five facilities obtained compliance.

Cal/EPA's 2nd Response: Cal/EPA considers this deficiency corrected.

CUPA's 2nd Corrective Action Update:

Permits are required to be obtained by March 1 each year. Final notices have been sent to those facilities that have not obtained a permit as of this date.

Deficiency # 4: Based on reviewed files, the CUPA is not accurately documenting violations in their inspection reports nor are they accurately reporting these violations on their annual summary report # 4.

Preliminary Corrective Action: Effective immediately, the CUPA will document all violations on their inspection reports. The CUPA will also accurately report violations on their 2005-2006 annual enforcement summary report.

CUPA's 1st Corrective Action Update: The CUPA reviewed every inspection report in the 2005-2006 year and categorized each violation as class 1 violation, class 2 violation and minor violation. This was reported in the 2005-2006 annual enforcement summary report (attachment # 3).

CUPA's 2nd Corrective Action Update: Violations are tracked and recorded for possible legal action and inclusion in the summary report.

Documentation Request: In addition to the status report, please submit via fax or email an inspection report from FY 05/06 that contains a Class 1 violation.

MK Ballistics was inspected in 2005-2006. The site is currently being prosecuted by DTSC for various problems including hazardous waste disposal. (*Inserted as CUPA Insp MK Balist 2005*)

Cal/EPA's 2nd Response: The CUPA adequately reported facility violation types for Hazardous Waste Generator facilities in its FY 05/06 Annual Summary Report 4; however, the CUPA did not report violations for other program element facilities

that received informal enforcement. Specifically, the CUPA did not report the number of HMRRP and UST facilities with violations in the “Other” violations column.

With the next status report, either submit a revised FY 05/06 Annual Summary Report 4 that contains all “facilities with violation types” information or state that the CUPA will submit its FY 06/07 Annual Summary Reports by September 30, 2007 with the corrected information.

CUPA’s 3rd Corrective Action Update: Enter Update Here

The CUPA will submit its 06/07 Annual Summary report by September 30, 2007 with the corrected information.

Deficiency # 5: The CUPA is not fully documenting Return to Compliance from businesses found to have violations. The CUPA has developed a certification of RTC but the form was not found returned and properly completed in some facility files.

Preliminary Corrective Action: Effective immediately, the CUPA will ensure businesses submit documenting correction of all violations and certification of return to compliance or conduct reinspections.

CUPA’s 1st Corrective Action Update: Return to compliance forms are sent out with each inspection report (attachment # 4). It is hoped that businesses mail in their return to compliance in a timely manner although this is not always the case. As time permits we are sending out enforcement notices for those businesses that have not submitted their return to compliance.

Cal/EPA’s 2nd Response: Cal/EPA considers this deficiency corrected.

Deficiency # 6: The CUPA’s Unidocs map is missing two required elements. The missing elements are “Adjacent Property Use” and Access and egress points.

Preliminary Corrective Action: The deficiency was corrected during the evaluation by providing the county map in place of the Unidocs map.

CUPA’s 1st Corrective Action Update: We continue to provide county mapping procedures.

Cal/EPA’s 2nd Response: Cal/EPA considers this deficiency corrected.

Deficiency # 7: The CUPA is not enforcing the mandated requirement for businesses to review and update their emergency response procedures tri-annually. Numerous business plan reviews are missing emergency response contingency plans.

Preliminary Corrective Action: By October 1, 2006, the CUPA will develop a process to ensure that each business certifies to the CUPA, and that each business has reviewed their emergency response procedures on a tri-annual basis and make necessary changes.

CUPA's 1st Corrective Action Update: An employee training plan, record keeping procedures and emergency equipment inventory table has been developed for inclusion in with the annual declaration (attachment #5). The county has been developed and used an emergency plan template for the past year however it is provided as a part of the inspection process and has not been made readily accessible to the business population until they have been inspected (attachment # 6)

Cal/EPA's 2nd Response: Cal/EPA considers this deficiency corrected.

Deficiency # 8: Review of the UGT files indicates business permits do not contain all required UST permit conditions. The permit is missing "monitoring requirements" and the following statements: (a) The approved monitoring, response and plot plans shall be maintained on site with the permit; (b) The owner and operator are subject to all applicable requirements of Chapter 6.7 and chapter 6.75 of the Health and Safety Code and title 23 division 3 chapters 16 and 18 and; (c) The permit is to be maintained on site.

Preliminary Corrective Action: By June 30, 2006, the CUPA will amend their permit to include these requirements

CUPA's 1st Corrective Action Update: See attachment # 7.

Documentation Request: In addition to the status report, please submit via fax or email a revised sample permit that contains all the required permit conditions.

CUPA's 2nd Corrective Action Update:

A copy of the new permit format was included in the last update, an actual permit for Pac Bell has been scanned and is inserted as SBC Permit.

Cal/EPA's 2nd Response: Please refer to the sample permits attached for clarification as to what is required. Along with the next status report, submit a revised permit to Cal/EPA via email.

SWRCB wrote: The permit is still missing the monitoring requirements (refer to Title 23, Section 2712 (c)). I have attached some sample permits that show what is needed.

Please Note: The CUPA may attach the facilities most current monitoring plan form to the permit to satisfy this requirement.

CUPA's 3rd Corrective Action Update: [Enter Update Here](#)

With State Water Board Approval, inserted is the consolidated CUPA permit that will be used starting in January 2008.

Deficiency # 9: Based on review of the CUPA files, some of the businesses were missing monitoring plans.

Preliminary Corrective Action: By October 1, 2006, the CUPA will review their files to identify those missing the monitoring plans and request those businesses submit monitoring plans.

Corrective Action Status Update #1: Files have been reviewed and a template monitoring plan is being developed redesigned to be provided during the next annual UGT inspection (attachment # 8).

Corrective Action Status Update #2:

Documentation Request: In addition to the status report, please submit via fax or email a UST facility monitoring plan, inspection report, and other supporting documentation from one of the CUPA's UST files.

Inspections are inserted as CUPA Insp UGT Pac Bell 2006; CUPA Insp UGT Dassels 2005-06 and Dassels Compliance.

The monitoring plan is inserted as SBC.

Cal/EPA's 2nd Response: Cal/EPA considers this deficiency corrected.

SWRCB wrote: The attachments provided by San Benito are good. CUPA must now insure that all UST files have a monitoring plan.

Deficiency # 10: The CUPA is approving UST plot plans without all of the required elements.

Preliminary Corrective Action: Effective immediately, the CUPA will approve UST plot plans that have all of the required elements including the sensor and equipment locations;

tank annular space; sumps and dispenser pan; spill containers or other secondary containment areas; mechanical or electronic leak detectors and; in-tank liquid level probes.

Corrective Action Status Update #1: UST plot plans will be checked for accuracy with the above preliminary corrective action note and any required changes and/or additions will be addressed during the next scheduled inspection as a violation and correction notice.

Corrective Action Status Update #2:

Documentation Request: In addition to the status report, please submit via fax or email a UST facility plot plan that contain all of the required elements from one of the CUPA's UST files.

A facility map is inserted above as SBC map

Cal/EPA's 2nd Response: Cal/EPA considers this deficiency corrected.